

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TERA A. McMILLAN,

Plaintiff,

VS.

**ALABAMA DEPARTMENT OF
YOUTH SERVICES and
MICHAEL J. HARDY,**

Defendants.

Case No: 2:07:CV-01-WKW

**DEFENDANT’S MOTION FOR ADDITIONAL TIME TO FILE A REPLY TO
PLAINTIFF’S RESPONSE IN OPPOSITION TO SUMMARY JUDGMENT**

_____ COMES NOW the Defendant by and through counsel requests the court for additional time to file a reply to Plaintiff's Response in Opposition to Summary Judgment and as grounds therefore state as follows:

1. The Plaintiff was deposed by Defendant Alabama Department of Youth Services (“DYS”) on January 15, 2008. The Plaintiff was also deposed by Defendant Michael Hardy on January 22, 2008.

2. Counsel for DYS is awaiting a copy of the transcript from the Plaintiff's Deposition(s) to properly respond to the Plaintiff's Brief in Opposition to Defendant Alabama Department of Youth Services' Motion for Summary Judgment.

3. The responses that the Plaintiff gave during her deposition(s) will greatly assist counsel for the Defendant in the preparation of a reply to Plaintiff's Brief in Opposition to

Defendant DYS' Motion for Summary Judgment. The responses that the Plaintiff gave at her deposition support DYS' Motion for Summary Judgment and are in contrast to the information alleged in Plaintiff's Opposition to Defendant Alabama Department of Youth Services' Motion for Summary Judgment.

4. If this Court grants this motion and the Court grants leave for the Defendant to file A reply to the Plaintiff's Brief, this case will be in a posture for the Court to grant summary judgment against the Plaintiff.

WHEREFORE the Defendant prays that this Court grants the relief requested therein.
Submitted this 25th day of January 2008.

Respectfully submitted,

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s/ T. Dudley Perry Jr.
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January 2008, I electronically filed the foregoing, **MOTION FOR ADDITIONAL TIME TO FILE A REPLY TO PLAINTIFF'S RESPONSE IN OPPOSITION TO SUMMARY JUDGMENT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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